

REMARKS

This RCE Amendment is prepared in response to the final Office action mailed on April 4, 2006 (Paper No. 03312006). Upon entry of this amendment, claims 1 through 15 and 21 through 23 will be pending. Applicant has canceled claims 16 through 20 without prejudice or disclaimer as to their subject matter by this amendment, amended claim 1 by this amendment and has newly added claim 23 by this amendment.

In Paper No. 03312006, claim 16 was rejected under 35 U.S.C. §102(e) as being anticipated by either Ko *et al.* (2004/0056597) or Kang '979 (2005/0023979). In Paper No. 03312006, claim 16 was also rejected under 35 U.S.C. §102(b) as being anticipated by any of Togawa (5,844,639), Kimura (5,886,467), Saito *et al.* JP2001-160360 or Tanaka (64000080). In Paper No. 03312006, claims 1, 5, 21 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Tanaka (6,400,080). In Paper No. 03312006, claims 2-7, 10-14, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over any of Ko *et al.*, Kang '979, Togawa '639, Kimura '467, or Saito *et al.* JP'360 in view of Yoo (6,090,464). In Paper No. 03312006, claims 2-4, 6, 7, 10-14, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka '080 in view of Yoo '464.

In the present RCE amendment, Applicant has canceled claims 16 through 20 without prejudice or disclaimer as to their subject matter for the purpose of expediency, but Applicant is entering into the record the traversal of the claim rejection of claims 16 through 20.

Applicant's Traversal

Regarding Applicant's claims 16 and 21, respectively, Applicant claims, "each set of dummy barrier ribs being designed to withstand sandblasting" and "the reinforcing rib being adapted to withstand sandblasting". In Paper Nos. 10142005 and 03312006, the Examiner stated that such limitations do not structurally distinguish from that of the prior art since this is only a matter of degree as one could lightly sandblast the ribs of the prior art without damaging the ribs of the prior art. Applicant disagrees.

To begin with, Applicant objects to the Examiner's contention that the ribs of the prior art can withstand minimal sandblasting. Applicant submits that Applicant has reviewed each of the applied prior art references and can not find any evidence of the ribs of the prior art being able to withstand sandblasting, even minimal sandblasting and further cannot find any evidence of any rib in any of the applied prior art references being designed with sandblasting considerations. Applicant submits that the Examiner's contention that the ribs of the applied prior art can withstand minimal sandblasting is mere speculation on the part of the Examiner. Applicant submits that such speculation can not be the basis of a claim rejection. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and In re Freed, 425 F.2d 785, 165 USPQ 570 (CCPA) state that deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. Applicant submits that this is what the Examiner is improperly doing in Paper Nos. 10142005 and 03312006 to reject claims 16 and 21.

Applicant further submits that the Examiner's "this is only a matter of degree" argument is insufficient as such an argument could be used to summarily reject nearly every claimed invention and nearly every patent application. This position of the Examiner is especially improper when MPEP 2173.05 (g) specifically states that such language in an apparatus claim is a proper limitation, and especially when Applicant's claimed invention claims a novel, non-obvious structure with unexpected results.

Applicant has further tried to negotiate with the Examiner on a telephone conversation on May 11, 2006 alternative claim language for claim 16 and claim 21. Specifically, Applicant proposed amending claim 16 as follows: "wherein each set of dummy ribs [being designed to withstand] comprises means for withstanding structural damage from sandblasting" but to no avail. Applicant argued that such an amendment would narrow the scope of the claims to designs for dummy ribs disclosed in the specification as per In re Donaldson and thus should be more appealing for the Examiner to allow. The Examiner responded that 1) such an amendment must be filed in an RCE to be considered and 2) even if considered, such language would not be deemed patentable by the Examiner.

Regarding Applicant's claim 22, Applicant claims, "the reinforcing rib being adapted to better withstand sandblasting than the non-reinforcing dummy ribs." In Paper No. 03312006, the Examiner rejected this claim merely by summarily stating the "this is a matter of degree" without addressing the limitations of this claim. Applicant objects for the same reasons as in the traversal

of the rejection of claims 16 and 21. Applicant further submits that even if the Examiner's argument of "this is only a matter of degree" were appropriate, Applicant submits that Applicant's claim 22 should not be rejected by this argument as this argument is not applicable to the limitation expressed by Applicant's claim 22. Unlike claims 16 and 21, Applicant's claim 22 claims variations in the ability between the dummy ribs to withstand sandblasting. Applicant submits that the Examiner's "this is only a matter of degree" position does not adequately address what is being claimed in Applicant's claim 22 and is thus not applicable to Applicant's claim 22. Therefore, the rejection of claim 22 should be withdrawn.

Regarding claims 2, 10 and 19, Applicant claims that the reinforcing rib is of connected closed structures. Claims 10 and 19 claim that the reinforcing rib is a series of hollow, closed structures or a series of closed ring holders in a straight line. In Paper No. 03312006, the Examiner states that these claims are taught by either Ko, Kang, Togawa, Kimura or JP 2001-160360 in view of Yoo or Tanaka in view of Yoo. In the rejection, the Examiner relies on the primary references of Ko, Kang, Togawa, Kimura, JP 2001-160360 and Tanaka for a teaching of the presence of ribs and on Yoo for the closed ring structure and then states that the combination reads on Applicant's claimed invention. Applicant disagrees.

The six primary references teach ribs. Ribs are defined as long, narrow structures. Yoo teaches a honeycomb like structure extending across an entire plane of the substrates, in both the x and the y directions (i.e, planar), not just in one direction as in ribs. Applicant submits that no where

in the applied prior art is it fairly suggested or taught that the planar closed ring honeycomb structure of Yoo could or should be formed as a straight line series of closed loops. There is no teaching or fair suggestion in any of the applied prior art references, either taken singly or in combination, that closed ring structure extending throughout the entire plane of the substrates of Yoo should or could take the form of a rib and extend in a straight line of closed loops as in Applicant's invention. Applicant submits that the Examiner in Paper No. 03312006 is using improper hindsight reconstruction to reject Applicant's claims by picking and choosing features from Yoo and the six primary references to arrive at Applicant's claimed invention and doing so by using Applicant's claims as a blueprint. Applicant submits that there is no justification present, either in the references themselves or in the rejection in Paper Nos. 10142005 and 03312006, as to why the planar honeycomb structure of Yoo could or should take the form of a rib producing a series of hollow, closed structures as claimed by Applicant instead of extending throughout the entire plane of the substrates as in Yoo. Because there is no teaching or fair suggestion of having the planar honeycomb structure of Yoo as a series of closed rings like a rib, the rejection is without merit.

Applicant further submits that the combined teachings of the six primary references and Yoo would teach a structure for a plasma display panel that is very dissimilar to that of Applicant's claimed invention. Applicant submits that the honeycomb structure of Yoo is not intended to serve as substitution for barrier ribs for a plasma display panel but is instead is intended to be in addition to any barrier ribs present. As discussed previously in Applicant's amendment filed on January 18, 2006, the honeycomb structure of Yoo is too large to serve as a barrier rib. In the honeycomb

structure of Yoo were to be used in a plasma display panel, separate barrier ribs would also have to be present to separate pixels from one another and prevent cross talk. A barrier rib separates cross talk between neighboring pixels and is formed between individual pixels. However, each closed structure in the honeycomb structure of Yoo occupies at least 10 pixels (col 3, line 1 of Yoo). Applicant submits that the combined teachings of Yoo and the six primary reference of Paper No. 03312006 would result in the honeycomb structure of Yoo extending across the entire plane of the substrate in addition to ordinary barrier ribs, and would not teach the closed ring structures of Yoo in the form of one dimensional ribs as in Applicant's invention. By concluding by the Examiner that the combined teachings of Yoo and the six primary references lead to barrier ribs being a series of hollow, closed structures is complete disregard and disrespect of Applicant's novel and inventive concept.

Again regarding claims 10 and 19, Applicant submits that nowhere in Paper Nos. 10142005 and 03312006 is are these limitations of these claims addressed or discussed. Applicant submits instead that Paper Nos. 10142005 and 03312006 merely summarily reject these claims having these limitations without proper discussion thereof and without proper justification.

Applicant has amended claim 1 to claim that the reinforcing rib has a continuous shape as illustrated in Applicant's figures. Applicant has also newly added claim 23 to claim that Applicant's reinforcing rib is substantially better able to withstand sandblasting than other dummy ribs as per paragraph 0029 of Applicant's specification and as per MPEP 2173.05 (b). Entry of and favorable

examination are respectfully requested.

A petition for a two month extension of time accompanies this response. The Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of \$450.00. Should the petition become lost, the Commissioner is requested to treat this paragraph as a petition for an extension of time.

In view of the above debate, the foregoing amendment, and remarks, all claims are deemed allowable and this application is believed to be in condition to be passed to issue. If there is any question, the Examiner is asked to contact the Applicant's attorney.

Respectfully submitted,



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